

PS 8
(5/05)

**UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS**

United States of America

vs.

Luis Rivera

Docket No. 03-30032

PETITION FOR ACTION ON CONDITIONS OF PRETRIAL RELEASE

The undersigned Pretrial Services Officer presents this report regarding defendant Luis Rivera, who was placed under pretrial release supervision by the Honorable Kenneth P. Neiman, on June 15, 2005 under the following conditions:

Refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

And respectfully seeks action by the Court and for cause as follows:

The defendant has tested positive for cocaine on two occasions since June 15, 2005. Please see attached memorandum.

Petition for Action on Conditions of Pretrial Release

PRAYING THE COURT WILL:

_____ Issue a Warrant

✓ Issue a Summons for the defendant to appear for a show cause hearing

_____ Other:

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on July 8, 2005 Place Pretrial Services

John K. M. Carlson Date July 8, 2005
U.S. Pretrial Services Officer

ORDER OF COURT

 Warrant to Issue

☒ Summons to issue. Clerk to schedule show cause hearing.

 Other:

Considered and ordered this 8 day of July, 2005, and ordered filed
and made part of the record in the above case.

Kevin P. Allen
Judicial Officer



MEMORANDUM

To: Honorable Kenneth P. Neiman,
U.S. Magistrate Judge

From: Toland K. Gladden
U.S. Pretrial Services Officer

Re: Rivera, Luis
Dkt #: 05-30032-03

Date: **July 8, 2005**

On June 15, 2005, the above-named defendant appeared before Your Honorable after being named in an Indictment charging him with Conspiracy to Possess With Intent to Distribute and Distribution of Cocaine Base in violation of Title 21 U.S.C. §846 and Possession With Intent to Distribute and Distribution of Cocaine Base in violation of Title 21 U.S.C. §841(a)(1). The defendant was subsequently released on the following conditions:

- Report to Pretrial Services as directed.
- Seek and maintain employment, and provide proof.
- Travel restricted to Hampden County.
- Submit to random drug testing.
- No use of alcohol or illegal drugs.
- No contact with co-defendants.
- No association with Latin Kings or any other gangs.
- Notify Pretrial Services within 24 hours of any new arrest.
- Statutory conditions.
- Maintain residence at 89 Commonwealth Ave, Springfield, MA.
- Participate in an inpatient or outpatient substance abuse counseling as deemed necessary.

On June 29, 2005, the defendant reported to this office and told this officer that he had used crack cocaine on June 28, 2005. The defendant provide a urine sample and it tested positive for cocaine. On July 6, 2005, the defendant reported to this office and provided a urine sample which tested positive for cocaine as well. The defendant stated that he had not used cocaine since June 28, 2005.

In light of the above, I am recommending that the defendant appear before Your Honor to show cause why his conditions of release should not be revoked.

TKG

cc: Paul Smyth, AUSA
Mark Mastrianni, Esq.